The freedom to practice religion without empathy

By Steve Thorngate

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While I have little sympathy for the views behind these state RFRA laws that have created so much controversy, it's hard to dismiss their explicit arguments out of hand. Religious freedom is indeed a bedrock of U.S. culture and tradition. So, for better or for worse, are assertions of individual rights—and competing assertions of rights don't lend themselves to easy answers. Unless you're prepared to say one or the other claim is wholly illegitimate, some sort of accommodation must be reached.

Yes, this particular flavor of religious freedom can taste pretty sour. I reject the idea that opposition to same-sex marriage is a tenet of Christianity, central or otherwise, and even if it were it's not clear to me how keeping your hands clean of someone else's celebration somehow amounts to Christian practice. Besides, I'd like to think that any conversation about religious freedom and marriage would take as its starting point that a *civil* marriage ceremony has nothing to say for or against my religious views or anybody else's.

Yet I get that these aren't legal arguments—and that U.S. courts and legislatures are loathe to officially agree with me or anyone else as to what religious practice *should* be. That's our tradition of separation of church and state, also known as our tradition of religious freedom. Yes, this tradition has brought us such loophole absurdities as online ordination mills and Pastafarians; it's also brought us a rich and lively religious landscape. So while I happen to think that refusing to bake a cake for a gay wedding that isn't even happening at your own church is a distortion of what it means to follow Jesus, this is more lament than argument. It makes me sad; and our religious freedom tradition, quite rightly, isn't particularly concerned about my sadness.

What's far more frustrating than pro-RFRA sentiment itself is the lack of empathy displayed by some who hold it. It's as if fast-growing support for same-sex marriage has so stunned them that they've completely forgotten that gays and lesbians, unlike U.S. Christians, comprise a small minority that has faced discrimination and

even outright persecution again and again.

Yet Robert George has the gall to compare same-sex marriage opponents to lynching victims. Look, there's no question that we should hesitate to too sweepingly compare antigay sentiment (or anything else) to the scourge of white supremacy in this country. But to *flip* the analogy and call LGBTQ people and their allies a lynch mob? That's just gross. What happened to Brendan Eich was a damn shame. That doesn't make it somehow parallel to what happened to Matthew Shepard.

Then there's Rod Dreher, whose blog I've subscribed to and unsubscribed from repeatedly for his graceful writing and insight on the one hand and his disdain for people who dare to be different on the other. One of his many posts on this subject actually takes the title, "Heads LGBTs Win, Tails Christians Lose." He's referring specifically to what he sees as a double standard for official tolerance of pro- vs. anti-gay sentiment. Still, it's hard to take that title seriously in a country where Christians have dominated pretty much everything since the beginning, and gays and lesbians have gained wide (but still not complete!) acceptance only in the very recent past.

In short, it's one thing to appeal to our difficult but important tradition of religious freedom; it's quite another to appeal to the notion that Christians as a group are somehow a persecuted minority. We aren't—fine, if I'm not Christian enough to count, *they* aren't. And when we're talking about a group that *has* faced much persecution, it'd be nice to at least acknowledge the power differential. From Conor Friedersdorf:

> Take all the hate crimes perpetrated against Jews. Add all the hate crimes perpetrated against Muslims. Add all the hate crimes perpetrated against Christians. Add all the hate crimes perpetrated against all other religious groups too.
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> Combine all those hate crimes in 2013, the most recent year data is available.
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> The number of hate crimes perpetrated against gays that year is *still* higher, despite the fact that religious people far outnumber gays. So if you're gay and looking at your Facebook feed, it will likely include controversies about whether Christians should be punished for not selling

> stuff to same-sex weddings. But instead of seeing such controversies as would a traditionalist who, rationally or not, earnestly fears for his job or the future of his family business, you're more likely to see them through the lens of prejudices and risks that you face.

Friedersdorf’s overall point is that both sides feel like they’re under siege here, and both could use a good dose of empathy from the other. He’s right. Yet I’d maintain that the *more* compelling demand for empathy is made by the more marginalized group, even if they’re less marginalized than they used to be. That doesn’t mean they should automatically win every argument between conflicting assertions of rights. It does make it kind of icky when members of what continues to be the *majority religion in America* act like they’re the real victims here.